

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

<b>NORMA ANDÚJAR VALENTÍN</b>	<b>CIVIL NO. 18-CV-01811 (ADC)</b>
<b>Plaintiff</b>	
<b>Vs.</b>	<b>(JURY TRIAL REQUESTED)</b>
<b>ASHFORD PRESBYTERIAN HOSPITAL et als</b>	
<b>Defendants</b>	

**STATEMENT OF UNCONTESTED MATERIAL FACTS**

**TO THE HONORABLE COURT:**

COMES NOW, co-defendant Dr. Pedro J. Hernández (Dr. Hernández), through his undersigned attorneys and submits his Statement of Uncontested Material Facts in support of their Motion for Summary Judgment.

1. On **July 1<sup>st</sup> 2014**, the University of Puerto Rico (UPR) and the Auxilio Mutuo Hospital (AMH) subscribed the “Affiliation Agreement for Educational Experiences of Residents (Surgical Rotations)”, herein after referred to as “Surgical Rotations Program”. (**Exhibit A**)

2. Pursuant to the terms of the Surgical Rotations Program, AMH is to provide its facilities so that UPR’s faculty and residents can conduct the surgical

rotations required as part of their medical training. (**Exhibit A pg. 1**)

3. Since **August 16th 2013** to the present, Dr. Hernández has been part of the faculty of the University of Puerto Rico's Medical Science Campus School of Medicine - Department of Surgery. (**Exhibits B & C**)

4. Dr. Hernández is one of several members of UPR's faculty assigned to teach and supervise UPR's residents during their surgical rotations at AMH. (**Exhibit A, Section 1-A pg 1, Exhibit B**)

5. Mr. Samuel Boria Andújar was a patient treated by Dr. Hernández as part of the Surgical Rotations Program. (**Exhibit B and C**)

6. Dr. Hernández provided treatment to Mr. Boria Andújar in his capacity as attending physician for the Department of Surgery of the University of Puerto Rico-Medical Sciences Campus' School of Medicine. (**Exhibits B and C**)

7. The University of Puerto Rico is the party called upon to respond for any medical malpractice claims of their faculty, residents, or students while performing any duties under the Surgical Rotations Program. (**Exhibit A pg 3 Section 2 (E) (i)**)

8. Faculty members like Dr. Hernández have immunity from medical malpractice claims. (**Exhibit A pg 3 Section 2 (E) (i); 26 LPRA 4105**)

9. Recovery of damages, against the University of Puerto Rico, for any malpractice claim arising out of the Surgical Rotation Program are limited by statute.

(Exhibit A pg 3 Section 2 (E) (i); 26 LPRA 4105)

**RESPECTFULLY SUBMITTED.**

I hereby certify that a copy of this motion was filed using the Court's CM/ECF system that will electronically send a copy to the attorneys of record.

In San Juan, Puerto Rico on this 2<sup>nd</sup> day of March 2019.

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